

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 13, 19, 25 and 27-38 are currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 13, 19, 25, 27-38 are now pending in this application.

Statement of Substance of the Interview

In accordance with 37 C.F.R. § 1.133, submitted herewith is a record of the substance of the interview conducted on January 11, 2010, with Examiner Welch, regarding the above-captioned application. The claims have been amended in accordance with proposals set forth during the interview.

It is submitted that the Interview Summary (a copy of which is attached) provides a complete and proper recordation of the substance of the interview, per MPEP §713.04. This statement is being submitted with this formal written reply to the last office action and is therefore a timely response.

Claim Rejections under 35 U.S.C. § 101

Claims 19 and 31-34 were rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. In response, Applicants have amended claim 31 to recite “creating, by a processor, based on the cross-section data and the length information, the 3D road object having a size obtained by extending the cross-section data in a longitudinal direction of the 3D road object by a length specified by the length information.” Thus, the claimed method is tied to a processor which is a particular machine or apparatus. Claims 19 and 32-34 depend from claim 31. Accordingly, Applicants request that the rejection be withdrawn and claims 19 and 31-34 be allowed.

Claim Rejections under 35 U.S.C. § 102

Claims 13, 19, 25, 27, 28, 31, 32 and 35 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2004/0176908 (“Senda”). In response, without agreeing or acquiescing to the rejection, Applicants have amended independent claims 27, 31 and 35. Further, Applicants respectfully traverse the rejection for the reasons set forth below.

Applicants rely on M.P.E.P. § 2131, entitled “Anticipation – Application of 35 U.S.C. § 102(a), (b) and (e)” which states, “a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Applicants respectfully submit that Senda does not describe each and every element of the claims.

Independent claim 27 is directed to a “three-dimensional (3D) road object creating device” comprising in addition to other elements/steps “a cross-section data extracting unit that extracts cross-section data that includes at least width and height of a 3D object representing a road to be drawn; a length information extracting unit that extracts, from a road network database that stores information on length of the 3D object representing the road, link-length information necessary for drawing the 3D object representing the road; and a creating unit that creates, based on the cross-section data and the link-length information, the 3D object representing the road having a size obtained by extending the cross-section data in a longitudinal direction of the 3D object representing the road by a length specified by the link-length information.” (emphasis added). Independent claims 31 and 35 recite similar limitations.

As discussed in the Examiner interview, the claimed “3D object representing a road” refers to a 3D representation of a road. Senda does not disclose, teach or suggest creating a “3D object representing the road” as claimed in claim 27. Further, Senda fails to disclose, teach or suggest using link-length information “for drawing the 3D object representing the road” as claimed in claim 27.

M.P.E.P. § 2131 states that “[t]he identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *See In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Here, Senda fails to disclose each and every limitation in as complete detail as is contained in amended independent claims 27, 31 and 35.

Accordingly, Applicants respectfully request that the rejection be withdrawn and independent claims 27, 31 and 35 be allowed. Further, claims 13, 19, 25, 28-30, 32-34 and 36-38 depend from one of claims 27, 31 and 35 and should be allowed for the reasons set forth above without regard to further patentable limitations contained therein.

If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in Senda.

Claim Rejections under 35 U.S.C. § 103

Claims 29, 30, 33, 34, 37 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Senda in view of U.S. Patent Publication No. 2002/0070934 (“Sakamoto”). As set forth above, Senda fails to disclose, teach or suggest each and every limitation of independent claims 27, 31 and 35. Claims 29, 30, 33, 34, 37 and 38 depend from one of independent claims 27, 31 and 35 and should be allowed for the reasons set forth above without regard to further patentable limitations contained therein. Further, Sakamoto fails to cure the deficiencies of Senda. Accordingly, Applicants request that the rejection be withdrawn.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

4/26/10

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